

STAYTON PLANNING COMMISSION AGENDA

**Tuesday, May 31, 2011
7:00 pm Stayton Community Center**

- 1. CALL TO ORDER** **Chairperson Lewis**
- 2. INTRODUCTION OF NEW MEMBER – Rich Hatfield**
- 3. MEETING MINUTES**
 - a. April 25, 2011**
- 4. PUBLIC HEARING – LAND USE FILE #2-04/11 Legislative Amendment to the Land Use and Development Code to increase the allowable height of flagpoles in the commercial, industrial and downtown zones**
 - a. Commencement of Public Hearing**
 - b. Staff Report**
 - c. Questions from the Commission**
 - d. Proponents' Testimony**
 - e. Opponents' Testimony**
 - f. Governmental Agencies**
 - g. General Testimony**
 - h. Questions from the Public**
 - i. Questions from the Commission**
 - j. Staff Summary**
 - k. Close of Hearing**
 - l. Commission Deliberation**
 - m. Commission Decision**
- 5. PUBLIC HEARING – LAND USE FILE #9-04/10 Review of Detailed Development Plan for Master Planned Development, Application of Susan Horvat at 400 to 600 Block of E Florence Street**
 - a. Commencement of Public Hearing**
 - b. Staff Introduction**
 - c. Applicant Presentation**
 - d. Staff Report**
 - e. Questions from the Commission**
 - f. Proponents' Testimony**
 - g. Opponents' Testimony**
 - h. Governmental Agencies**
 - i. General Testimony**
 - j. Questions from the Public**
 - k. Questions from the Commission**
 - l. Applicant Summary**
 - m. Staff Summary**
 - n. Close of Hearing**
 - o. Commission Deliberation**
 - p. Commission Decision**
- 6. ADJOURN**

NEXT MEETING: JUNE 27, 2011

STAYTON PLANNING COMMISSION
MEETING MINUTES
April 25, 2011

COMMISSIONERS: Ralph Lewis – Chairperson
Ellen Nunez – Vice-Chairperson
Carl Sampson
Doug Cudahey
Michelle Wonderling

STAFF MEMBERS: Dan Fleishman, Planning & Development Director
Jennifer Jackson, Permit Clerk

OTHERS PRESENT: James Wampler, Susan Horvat, Mark Grenz, Wayne Lierman, Pat Lierman, Deb Glander, 6 other members of the public

1. **CALL TO ORDER:** Chair Lewis opened the meeting at 7:04 pm.
2. **APPROVAL OF MINUTES:**
 - a. Cudahey moved and Nunez seconded that the minutes of March 28, 2011, be approved as presented. The motion was approved unanimously.
3. **Public Hearing- Land Use File # 9-04/10, Review of Detailed Development Plan for Master Planned Development, Application of Susan Horvat at 400 to 600 Block of E. Florence Street**
 - a. **Commencement of the Public Hearing:** Chair Lewis read the opening statement and asked if there was any *ex parte* contact or conflicts of interests. Cudahey stated that he had visited the site.
 - b. **Staff Introduction:** Fleishman introduced the case before the Commission with the recommendation to continue with the Public Hearing until May 31, 2011, as there are revised plans that will be submitted.
 - c. **Applicant's Testimony:** Mark Grenz- Multi Tech: 1155 13th ST, Salem OR 97306. Grenz stated that there were some things regarding the plans that needed to be changed. He also stated that he would like some feedback from the Planning Commission on several issues before submitting the revised set of plans.

Pedestrian Bridge: Grenz stated that they would like to determine the temporary and permanent access to the Pedestrian Bridge. Grenz has been working with the Santiam Water Control Districts (SWCD) concerns for the pathway along the canal.

Pervious Pavement: The SWCD's concern for runoff into the canal has been addressed with pervious pavement and has been approved by the City of Stayton Public Works department and they will submit a maintenance plan.

Open Space: Tract A and Tract E. The development would like to keep these tracts private and property of the Home Owners Association.

Conditions, Covenants and Restrictions (CC&Rs): Grenz will provide the CC&Rs to the City which will address, open space, pathways, setbacks, etc.

Architectural Standards: Grenz stated that there was a difference of opinion about the front façade of the dwellings and whether the recessed garage with overhanging upper level bedroom counted as the front of the dwelling.

Fire Department: Grenz stated that the Stayton Fire Department wanted to require the development have a 96 foot diameter for turnaround at the end of the cul-de-sac. Grenz advised that they have met the City's requirement of 72 feet and didn't think they should be required to provide more than that.

Grenz summarized by saying that he thinks there are few issues remaining and they should be resolved soon and that the development will be a great benefit to the community.

- d. **Staff Report:** Fleishman presented the staff report, saying that the development is 6.5 acres of land with 13 multi-family units, 34 attached single family dwellings and 20 detached single family dwellings. Fleishman advised that most of the standards have been met and most of those that are not can be addressed in the engineering design stage. The remaining issues will require decision by the Commission before the next meeting.

A purchase and sales agreement has been entered into with the City for lot #17 to allow for parking, storm drain management and access to the Pedestrian Bridge.

Fleishman also advised that the Planning Commission needs to determine ownership of the common open space. The Commission also needs to decide if the garage design meets the current code. Sheet 5 contains the plans for the attached dwellings. Staff has reviewed them for compliance with the requirements of Section 17.20.220.2. The code requires that the front of an attached garage be set back at least 4 feet from the front façade of the house. The submitted plans indicate that this standard is met by having the second story of the home above the garage extending 4 feet in front of the garage door. Staff does not believe this meets the requirement of the Code. Staff and the applicant have not been able to resolve this issue.

Fleishman also stated that written approval is needed from the Stayton Fire District of the design of the loop drive and alley. The Fire District indicated they would like to see the cul-de-sac with a 48-foot radius to curb. The City's design standards require only a 38-foot radius, as shown on Sheets 1. Staff is satisfied with the cul-de-sac design as shown.

Fleishman advised that the City needs detailed information about the formation of the homeowners association and the CC&Rs.

Fleishman stated that the applicant needs to provide the porous pavement maintenance plan. Fleishman advised that the setback lines on the applicants plan must reflect the Code unless the CC&Rs change the requirement to a 5 foot setback. The current code allows for 0 feet. The landscaping and driveways on the plan don't match up and need to be revised.

- e. **Questions from the Commission:** Cudahey asked the applicant to discuss Tracts A & E. Grenz stated Tracts A & E are proposed as a pedestrian walkway that would be open to the public. He explained that it is the preference of the applicant to keep that private and allow the public to use the sidewalks to access the pedestrian bridge and eventually, Pioneer Park. Cudahey stated that he thought that Tract A & E should be private and felt no need to make it public. Nunez asked if there were concerns about walking on the sidewalk or the pedestrian path. Grenz stated that there are some concerns about the pedestrian path and whether it is a safe. Wonderling questioned if we would have access on both the street and the pedestrian walkway.

Fleishman advised that with the successful purchase of lot 17 there would be a temporary path from Florence Street to the bridge. When the development is built, Florence Street will be moved and there maybe a period of time where access to the pathway would be interrupted. With the task completed, the bridge would open soon. Lewis asked if we bought the lot would we get temporary access right away. Fleishman advised that yes we would have access to the bridge, but that the Planning Commission needed to decide if they want to keep the pathway or allow the sidewalk to be sufficient. Wonderling asked if the Commission wants the pathway does it have to have a hard surface. Fleishman advised yes, the hard surface is required. Sampson asked if there were going to be zero foot lot lines. Sampson stated that he likes the pedestrian path because he doesn't feel the sidewalks will always be available for access. Lewis asked what the City is paying for Lot 17. Fleishman advised that the City is paying \$30,000. Lewis is in favor or the Pedestrian Path. Wonderling stated she was in favor of the pedestrian path. Grenz reiterated that the North Santiam Water Control District feels that the pedestrian path would create a corridor that may not be safe because it will not be open.

f. Proponents' Testimony: There was none.

g. Opponents' Testimony: There was none.

h. Governmental Agencies: There was none.

i. General Testimony: Pat Leirman: 476 E Marion St - Leirman wanted to know if copies of the proposed development were available for the public. Fleishman advised that they were available at the Planning Department office and online. Leirman asked if the new development would be targeted at buyers 55 and older. Fleishman advised that the development would be a mixture that would serve any age group. Leirman asked if there was a proposed playground. Fleishman advised that there are three areas of open space and none of them are designated as a playground.

Susan Horvat: -Horvat advised the Commission that the development is being marketed as compact luxury and targeted towards baby boomers and older. She also stated that the pedestrian path is a safety issue. The fences that would be built would also be an eyesore and it would be difficult to keep people out of the alley and off of private property. Horvat stated that access to pedestrian bridge should be enough.

j. Questions from the Public: There were none.

k. Questions from the Commission: Cudahey stated that there was a lot of material to cover and that he was in favor of the applicant. Cudahey said the thought the City had chipped away enough of the applicants property. Lewis stated that he thought the cul-de-sac met the requirements of the code and thought that it was sufficient as is. The commission was unanimously in agreement. Nunez questioned the overhang on the garage counting as the exterior wall. Grenz stated that the code says any exterior face of a building, not the lowest. Fleishman advised that the garage then becomes the prominent feature of the home, which was not the goal of the code. Wonderling didn't mind the overhang over the garage. Cudahey agreed and didn't mind the design. Sampson wanted to know if the garage could be enclosed. Fleishman advised that it could not be enclosed. Lewis didn't have a problem with the garage.

l. Staff Summary: Fleishman advised the commission that they needed to make a decision on 4 items: the garage, cul-de-sac, Tract A and E (City/public or Home Owners Association (HOA), and the pedestrian path.

m. Close of Hearing: Lewis closed the hearing.

n. Commission Deliberations: The Commission unanimously agreed that the design of the garage met the Code and the diameter of the cul-de-sac was not an issue. Cudahey stated he thought Tract A and E should belong be private and belong to the HOA. Wonderling said she thought that Tract E should be HOA and Tract A should be public for the path. Nunez thought that both Tract E and A should be HOA and thinks the path has potential to be dangerous. Sampson thought Tract E should be HOA and that Tract A should be public he would like to have the pedestrian path. Lewis thought that Tract E should be HOA and Tract A should be public because the path needs to be there. Horvath stated that she doesn't see giving the City the parking lot for the Pedestrian Bridge and the pedestrian path. She stated the sales agreement has not gone through yet and was not a done deal. Horvat didn't think they would be willing to do both. Sampson stated that walking paths were delightful, not dangerous. Wonderling stated she preferred the pathway over the parking lot.

p. Commission Decision: Wonderling moved to continue the hearing at the May 31, 2011 meeting. Cudahey seconded and the motion passed all in favor.

4. ADJOURN

The meeting adjourned at 8:35 p.m.

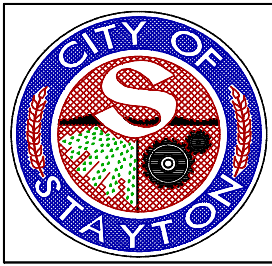
Ralph Lewis,
Planning Commission Chairperson

Date

ATTEST

Dan Fleishman,
City Planner

Date



City of Stayton

Planning and Development Department

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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: May 31, 2011
SUBJECT: Public Hearing on Proposed Code Amendments to Increase the Allowable Height of Flagpoles in the Commercial, Industrial and Downtown Zones (Land Use File 12-11/09)

ISSUE

The issue before the Planning Commission is a public hearing on a proposed legislative amendment to the Stayton Land Use and Development Code, Title 17, Chapter 17.12, Section 17.20.140.3.f regarding the allowable height of flagpoles.

BACKGROUND

In February, the Planning Department received an application for a building permit to erect a 35-foot tall flagpole. The application was denied because Section 17.20.140.3.f of the Code currently restricts the height of flagpoles in the City to no more than 20 feet or 110% of the height of the primary structure on the property, whichever is greater. The applicant approached the City Council regarding the issue and the Council requested that the Department initiate the proceedings to amend the code to allow taller flagpoles in the non-residential zones.

The amendment increases the allowable height of flagpoles in the Commercial, Industrial and Downtown zones to 35 feet or 110% of the building height. It retains the 20-foot limitation in the residential zones.

RECOMMENDATION

Staff recommends the Planning Commission forward the amendments to the City Council with a recommendation of approval. A draft order has been prepared that would accomplish that recommendation.

Depending on the testimony presented at the public hearing, changes to the draft order may be necessary

OPTIONS AND SUGGESTED MOTIONS

1. Close the hearing and forward the proposed amendments to the City Council for adoption.

I move to adopt the draft order prepared by staff and forward the proposed amendments to the City Council with a recommendation for adoption.

2. Close the hearing, make changes to the proposed amendments and forward to the City Council for adoption.

I move to adopt the draft order prepared by staff, direct staff to make the following changes in the proposed amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

3. Continue the hearing to allow for changes in the amendments and further public testimony.

I move to continue the hearing until June 27, 2011..

4. Close the hearing and return the amendments to staff for further refinement.

I move that the staff return the amendments to staff with direction to make the following changes in the proposed amendments and schedule another public hearing for June 27, 2011 (list changes).

DRAFT

Proposed Amendment to Increase the Allowable Height of a Flagpole in the Commercial, Industrial, and Downtown Zones

Amend Section 17.20.140.3.f to read as follows (underlined is added, ~~crossed-out~~ is deleted)

3. **SIGNS GENERALLY PERMITTED.** Subject to the limitations listed in this subsection, the following signs and sign erection or alterations are permitted in all zones. These signs shall not require a permit and shall not be included when determining compliance with total allowed area:

* * *

- f. Official national, state, and local government flags on permanent flag poles designed to allow the raising and lowering of flags:

- i) One flag or banner per property is exempt from the provisions of these regulations.
- ii) In a residential zone, A flag structure shall not exceed 20 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater.

iii) In a Commercial, Industrial or Downtown zone, a flag structure shall not exceed 35 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater.

- iv) All structures over 10 feet in height supporting flags require a Building Permit and an inspection(s) of the footing and structure, as per the building code, prior to installation of the structure.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

) Development Code Amendments for
) Allowable Height of Flagpoles
) File #02-04/11

RECOMMENDATION OF APPROVAL

I. NATURE OF APPLICATION

The proceedings are for a legislative amendment to Title 17, known as the Stayton Land Use and Development Code. The amendments revise the allowable height for flagpoles in the non-residential zones.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on May 31, 2011. At that hearing the Planning Commission reviewed Land Use File #02-04/11 to amend the Stayton Land Use and Development Code and made it part of the record.

III. FINDINGS OF FACT

1. Title 17 of Stayton Municipal Code, Chapter 20, Section 17.20.140.3.f establishes the maximum height for a flagpole as 20 feet or 110% of the height of the primary building on the parcel, whichever is greater.
2. The proposed amendments would retain that standard in the residential zones but increase the maximum height in the commercial, industrial, or downtown zones to 35 feet or 110% of the height of the primary building on the parcel, whichever is greater.

A. PUBLIC COMMENTS

The Planning Department received no comments prior to the public hearing.

IV. ORDER

Based on the findings of fact, the Planning Commission voted on May 31, 2011 to recommend to the City Council enactment of proposed amendments to the Stayton Land Use and Development Code, as presented in a document entitled, "Proposed Amendment to Increase the Allowable Height of a Flagpole in the Commercial, Industrial, and Downtown Zones, Draft for Planning Commission Public Hearing, May 31, 2011."

Ralph Lewis, Chairperson

Date

Dan Fleishman, City Planner

Date



City of Stayton

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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Planning & Development Director
DATE: May 31, 2011
SUBJECT: Old Mill Village – Detailed Development Plan for Master Planned Development, 400-600 Block E Florence Street
120 DAYS ENDS: Waived by applicant

BACKGROUND

The Planning Commission began a public hearing on April 25, 2011 on the detailed development plan for the proposed Old Mill Village master planned development. Whereas the applicant was proposing changes to the plans and there were still some items that had not been submitted, the Planning Commission continued that public hearing until May 31.

On May 13 the applicant submitted a package of revised materials. The new submission packet included

- A 12-sheet set of plans, stamped “Printed May 12, 2011.”
- Updated Homeowners’ Association document

REVIEW AND ANALYSIS

The staff report for the April 25 public hearing noted that there were a number of items that had not been submitted and that the Planning Commission should not make a decision until these items had been submitted and reviewed by Staff. The following items from that list still have not been submitted by the applicant:

- draft articles of incorporation of the proposed homeowners association as a not-for-profit corporation
- a development agreement for City/Developer shared improvements that involve city financing.

The April 25 staff report noted that one reason revised plans needed to be submitted was that the developer and the City had an executed contract for the sale of property within the proposed subdivision and that the plan needed to be revised to indicate that that property was not included in the development. ***The May 12 revised plan does not reflect that change.***

Staff had requested that the plans contain a sheet showing the area of street right of way to be vacated and the area of land to be dedicated to the City. The preliminary plan had contained such a sheet. ***The May 12 revised plan does not contain this information.***

Relative to the review comments contained in the April staff report:

1. The location of the Natural Resources Overlay District is not shown on the plans. Staff recommends that the NROD be shown on Sheets 1, 3, and 4.
2. Section 17.24.100.3.e.2) states that the ownership of the open space is the sole discretion of the City Council. In September 2009, following preliminary plan approval, the applicant and staff appeared before the City Council. The City Council's directive was that the open space along the Salem Ditch (Shown on the revised detailed plan as Tract D) and the open space along the Stayton Power Canal (shown on the on the revised detailed plan as Tracts A & C) would be dedicated to the City. The City Council also directed that the path between E Florence Street and the Power Canal be dedicated to the City (Tract B). The Council determined that Tract F would be owned by the homeowner association.

At the April 25 hearing, a majority of the Planning Commission stated that Tract C on the revised plan could be owned by the Homeowners Association but that Tract A should be dedicated to the City. The revised plan (see Sheet 3) indicates that it is now the applicant's intent that Tracts A and D also be owned by the Association, not the City.

If the applicant wants to deviate from the ownership approved by the City Council, they should return to the City Council before the Planning Commission makes a decision on the detailed development plan.

3. The plan submitted in October 2010 showed a walkway along the north side of the Stayton Power Canal in Tract A, which was to be dedicated to the City. City staff and the applicant had agreed that construction of this path by the applicant should not be required since the City will be acquiring Lot 17 and Tract B and a pedestrian path will be constructed by the City from Florence Street to the pedestrian bridge. At the April public hearing, the Planning Commission required that the path be constructed. ***The revised plan does not show the pedestrian path.***
4. A condition of approval on the preliminary plan was that the Detailed Development Plan shall include detailed information regarding the formation, operation, and financing mechanisms of the homeowners association. The applicant has not yet submitted articles of incorporation of the proposed homeowners association as a not-for-profit corporation. ***This item should be submitted before the Planning Commission's decision.***
5. The condition also required that the provisions allow the City to assure that the pavement maintenance is properly executed, with further provisions to allow the City of Stayton to take enforcement action against the Association for failure to properly follow the maintenance schedule. The draft CCRs submitted does contain a provision that intends to allow the City to enforce the pavement maintenance program by accessing the Homeowners Association funds. Staff is unsure about the efficacy of the proposed enforcement language and is currently consulting with the City Attorney. We have not received a response in time

for the staff report and will have a supplemental report for the Planning Commission at the hearing if we can. ***This item should be resolved to the satisfaction of the staff and the applicant before the Planning Commission's decision.***

6. A condition of approval on the preliminary plan was that before final Planning Commission approval, the City and Developer will prepare a development agreement for City/Developer shared improvements that involve city financing. These include, off-site pedestrian walkways, the connecting walkway and a future bridge to Pioneer Park or Wilderness Park on the north side of the Power Canal. A proposed Development Plan was not submitted. ***This item must be submitted before the Planning Commission's decision.***
7. The Detailed Development Plan was required to include a maintenance program for sweeping, treating and vacuuming the pavement to keep the pavement pores open and functioning indefinitely. Should Public Works determine it necessary, a backup drainage system to convey storm water to the Salem Canal in the event the porous pavement plugs over time shall be included.

The CC&Rs now contain an exhibit that is the pavement maintenance program. I have attached review comments on the CC&Rs from the City Engineer relative to pavement maintenance and stormwater. Recognizing that there may be detail changes as construction plans are developed, reviewed and approved, ***a draft that is broadly acceptable to the City should be submitted before the Planning Commission decision.***

8. The City Engineer and Public Works Director have previously suggested, and the applicant had agreed, that the plan would be amended to show the extension of the sidewalk on south side E Florence Street from project to the Fourth Ave intersection. The City Engineer's memo indicates that additional improvements to the intersection and to Fourth Ave adjacent to the property may be necessary. ***The sidewalk extension and intersection improvements should be shown on the plan before Planning Commission decision.***
9. As submitted, the alley behind lots 48-54 does not connect to the proposed parking area for the multifamily dwellings on Lot 55. Staff believes the project would be greatly improved if vehicular access was provided between the two. This would allow the alley to be narrowed, will facilitate service by garbage trucks, etc. The applicant had indicated they would look at the issue, but the plan has not been changed.
10. The City Engineer's review memo notes various issues to be addressed. Several of these can be addressed following Planning Commission approval when construction drawings are submitted. ***The following should be addressed in revised plans before Planning Commission decision:***
 - The pervious concrete section on the plans (6" pervious concrete on 18" base) does not match the typical section stated in the drainage report (8" on 12"). The plan should be changed to match the drainage report.
 - The width of the water line easement on lots 29 and 30 should be increased to 15 feet.

RECOMMENDATION AND SUGGESTED MOTION:

Staff recommends that the Planning Commission continue to the public hearing until the July meeting to allow the applicant to submit revised materials and the items that have not yet been submitted. A draft order with recommended conditions of approval will be provided by Staff at that time.

1. Continue the public hearing until the June meeting.

I move that the Stayton Planning Commission continue the public hearing on the application of Susan Wampler representing Wampler Family LLC for detailed development plan approval of a master planned development partition (Land Use File# 9-04/10) until Monday, July 25, 2011, at 7:00 pm. The applicant shall submit, no later than July 13, 2011 revised plans and other submissions that:

- reflect the sale of land to the City;
- include a sheet showing the area of street right of way to be vacated and the area of land to be dedicated in accordance with the determination of the City Council;
- include a pedestrian path along the north side of the Stayton Power Canal in accordance with the Planning Commission's decision on the preliminary plan and the Planning Commission's discussion on April 25;
- show the NROD on sheets 1, 3, and 4;
- are in compliance with the City Council's September 2009 determination of the ownership of the open space;
- include draft articles of incorporation for the homeowners association;
- include a development agreement with the City;
- include a pavement maintenance program acceptable to the Public Works Director; and
- show complete improvements to the Florence St and 4th Ave intersection, including extension of the sidewalk on the south side of Florence St.

If the applicant proposes ownership of the open space other than as determined by the City Council in September, 2009, the applicant shall return to the City Council for a revised determination no later than July 5.

2. Close the public hearing, leaving the record open for the submission of written materials for 14 days to allow submission of revised plans and supporting material.

I move that the Stayton Planning Commission close the public hearing on the application of Susan Wampler representing Wampler Family LLC for detailed development plan approval of a master planned development partition (Land Use File# 9-04/10) but hold the record open for submittal of written materials. The applicant shall have until Tuesday, June 14, 2011, at 5:00 pm to submit revised plans and supporting information. If any interested party has rebuttal or comments on the new submittals, they shall have until Tuesday, June 21, 2011 to submit written comments. If there is any rebuttal submitted, the applicant shall have until Tuesday, June 28 to respond. If there is no rebuttal submitted, the application shall be placed on the June 27 agenda for deliberation by the Planning Commission.

3. Close the public hearing, approve the application and direct staff to prepare a draft decision containing conditions of approval

I move that the Stayton Planning Commission approve the application of Susan Wampler representing Wampler Family LLC for detailed development plan of a master planned development partition (Land Use File# 9-04/10) with conditions to address the issues identified by Staff and direct the staff to prepare a draft order with findings, conclusions and conditions of approval for acceptance by the Planning Commission at the June 27, 2011 meeting.

4. Close the public hearing, deny the application and direct staff to prepare a draft decision with findings and conclusions to support the decision.

I move that the Stayton Planning Commission deny the application of Susan Wampler representing Wampler Family LLC for detailed development plan of a master planned development partition (Land Use File# 9-04/10) and direct the staff to prepare a draft order with findings and conclusions for acceptance by the Planning Commission at the June 27, 2011 meeting.

DRAFT

Old Mill Village – Master Plan Development Detailed Plan Review City of Stayton, OR

TO: Dave Kinney/*Public Works Director*
Dan Fleishman/*City Planner*

FROM: John Ashley, P.E.

COPIES: Ed Sigurdson, P.E./*City Engineer*

PROJECT: **Old Mill Village – Master Plan Development**

DATE: First Submittal Review – April 19, 2011
Second Submittal Review – May 23, 2011

Background

General

A copy of the detailed development plans for the Old Mill Village – Master Plan Development was received by the City for review and approval. This document was provided by Multi-Tech Engineering Services, Inc. for owner Wampler Family. The plans were reviewed for general conformance with applicable public works portions of the City of Stayton Municipal Code (SMC), Public Works Design Standards (PWDS), and standard engineering practices.

The Old Mill Village – Master Plan Development is located east of 4th Avenue at the end of Florence Street and north of the Reid Power Canal (the Old Paris Woolen Mill) in the Downtown area of Stayton.

Public Works Standards

The City of Stayton Public Works Design Standards are available online from the City's website (<http://www.staytonoregon.gov>) under the document center menu. This review references the City standards that can be found on the website.

Previous Public Works Review

This review memo addresses the revised plans, dated May 12, 2011, provided by the Design Engineer, Multi-Tech Engineering Services, Inc., as an update to the detailed plan submittal.

The review findings and conditions of approval provided for earlier submissions will remain in

force and is not stated again in this review memo. If specific detailed conflicts are apparent between this and previous reviews, this latest review shall apply.

Findings

1. Streets –

- **Florence Street Improvements:** Florence Street, from the east boundary of the City-owned community garden parcel to 4th Avenue, is a public street and shall be improved to Public Works Standards from this easterly edge to the center of the 4th Avenue intersection. The public street section of Florence Street shall consist of a minimum 30-foot street improvement consisting of asphalt concrete pavement, curb and gutters, sidewalks, ADA ramps, street light(s), storm drainage, etc. A new 5' wide sidewalk on the south side of Florence Street shall be extended through the 4th Avenue intersection to an ADA ramp and curb radius at the intersection. The intersection improvements shall be shown on the plans.
- **4th Avenue Street Improvements:** Depending on the existing pavement condition, 4th Avenue shall be improved with a half-street improvement across the frontage of the property. [PWDS 303.02].
- **Pervious Concrete Pavement Section:** The submitted plans shall show the 8-inch pervious concrete pavement section over 12-inches drain rock storage layer with the appropriate rock size and design void ratio in accordance with the storm drainage report.

2. Water –

- **Water Main Design:** The proposed water system design shows a looped system to the Mill Stream Woods development through a 10-foot easement centered between lots 29 and 30. City standards are for the easement to be located only on one property and not centered on property lines. The easement width for a single waterline shall be 15-feet [see PWDS 102.08.A.5 and A.10]. The easement on the Wampler property shall be 15-feet wide and located on a single lot. The easement in the developed Mill Stream Woods subdivision shall be located on one lot, but the City may allow the easement width to be reduced to 10-feet wide, depending on accessibility. This width exception will be further reviewed as part of the construction plans submittal.
- **Public:** Provisions of PWDS 102.08.A shall apply. The waterline main line shall be public with platted access, maintenance, and replacement easement. The conditions of the easement shall be such that the easement shall not be used for any purpose that would interfere with the unrestricted operation and maintenance of the utility. Under no circumstances shall a building or any other

structure be placed over a utility or utility easement. This shall include overhanging structures with footings located outside the easement.

3. Grading and Drainage –

- **Area Drains:** It appears that some adjacent lots to the north of the project drain to the low-land area onsite that is shown to be filled in behind lots 37 to 41. An area drain behind lot 39 shall be provided in order to prevent stormwater from ponding in this area. Same ponding issue appears to apply behind lot 30. Revise plans to include drainage provisions (and any easements) for this area.

4. Sewer –

- **Sewer Main:** The proposed sewer system shall be designed in accordance with Public Works and DEQ standards. Revise the sewer design to comply with the minimum pipe slope requirements.

5. Homeowner's Association Maintenance of Streets, Private Utilities, and Common Open Space Area –

- **CC&R's:** The CC&R's shall specifically address maintenance of streets, storm drainage facilities, pathways, private utilities, landscaped areas and common spaces.
- **O&M Plan:** Prior to approval of the construction plans, the Developer shall submit a final operation and maintenance (O&M) manual and scheduled maintenance plan to the City for review and approval. The O&M manual and maintenance plan shall be developed for use by the Homeowner's Association. At minimum, the O&M manual shall address in detail the maintenance of the pervious concrete pavement within the streets, alleys, and driveways, and address in detail the pathway, rain gardens, bio-swales, and other stormwater facilities, including the common landscaped areas and open spaces. Trash enclosure areas located adjacent to any LID shall also be addressed.

Old Mill Village – Master Plan Development Draft CCRs (Stormwater Review) City of Stayton, OR

TO: Dave Kinney/*Public Works Director*

FROM: John Ashley, P.E.

COPIES: Dan Fleishman/*City Planner*

PROJECT: **Old Mill Village – Master Plan Development**

DATE: May 24, 2011

Background

A copy of the draft CCRs for the Old Mill Village – Master Plan Development was received by the City for review and approval. This document was provided by Multi-Tech Engineering Services, Inc. for owner Wampler Family. Per your request, I have reviewed the draft CC&Rs. My review and comments of the draft CCRs focuses on the information pertaining to the stormwater facilities.

Comments and Suggested Revisions

The following comments are some suggested revisions that should be considered for incorporation into the CC&Rs for this development. I would recommend the CC&Rs and my suggested revisions be thoroughly reviewed by the City Attorney. I would also recommend that a brief discussion occur between the City Attorney and the City regarding the proposed stormwater facilities and the sensitive nature (both legally and environmentally) of this development.

1. General Comments –

- Stormwater Facilities (or other grouping term) shall be properly defined to include all stormwater drainage systems and all the low-impact development techniques used for the development. Common Property should be better defined. Easements shall be defined and maybe a paragraph or two on the maintenance responsibilities.
- The CC&Rs shall specifically address maintenance of streets, storm drainage facilities, pathways, private utilities, landscaped areas and common spaces. Article 5.14 needs to be expanded to cover more than just the obligation for pavement maintenance. The maintenance activities should be accomplished

through an operation and maintenance (O&M) plan as an attachment to the CC&Rs. At minimum, the O&M plan shall address in detail the maintenance of the pervious concrete pavement within the streets, alleys, and driveways, and address in detail the pathway, rain gardens, bio-swales, and other stormwater facilities, including the common landscaped areas and open spaces. Trash enclosure areas located adjacent to any LID shall also be addressed. The O&M plan needs to be revised into an actual document/plan that clearly states what to do, when to do it, what not to do, what to do if something happens, etc.

- The CC&Rs shall contain language requiring City of Stayton approval of any changes to sections and/or subsections of the CC&R's related to the development's stormwater facilities. The stormwater facilities cannot be reduced in sized, removed, and/or otherwise structurally altered unless otherwise approved by the City of Stayton.
- The CC&Rs need to have some sort of declaration stating that the Association takes full responsibility for the permanent and continual maintenance of the stormwater facilities and Common Property. A separate recorded agreement between the City and the Association stating this fact may be more appropriate.
- The CC&Rs shall address the City's right to enforce the maintenance responsibilities.
- The CC&Rs shall address what happens to the stormwater facility maintenance responsibilities for the development if the Homeowner's Association is dissolved.
- Article 9.4 notes the Jordan Addition Rules.....not sure what this is.
- The CC&Rs need a thorough review by the City Attorney to make sure the City is not at risk for any issues resulting from stormwater facility runoff from the development, or any stormwater system failures thereof, because of this development to the Salem Ditch or Power Canal.

2. General Considerations –

- **Enforcement** (FOR CC&Rs):

The City of Stayton shall have the right to enforce by a proceeding at law or in equity all covenants, conditions, and restrictions regarding the maintenance of the stormwater facilities and Common Property, including but not limited to, the trees, shrubs, grass, private roadways, driveways, alleys, parking areas, rain gardens, and pervious concrete pavement areas.

- **Amendment** (FOR CC&Rs):

Maintenance responsibilities and requirements for the stormwater facilities and Common Property shall not be modified without the prior written consent of the

City of Stayton. In the event that the Association is dissolved, the members thereof shall remain jointly and severally liable for the cost of the maintenance of those items set forth under Article ____ (**PERMANENT MAINTENANCE OF COMMON PROPERTY AND STORMWATER FACILITIES**). In the event that the maintenance obligations are not fulfilled by the members, the City of Stayton may, at its opinion, perform such actions set forth under Article ____ (**CITY OF STAYTON RIGHT OF ENTRY AND RIGHT TO ENFORCE STORMWATER FACILITY MAINTENANCE REQUIREMENTS**).

- ***Permanent Maintenance of Common Property and Stormwater Facilities*** (**POSSIBLY A SEPARATE AGREEMENT BETWEEN THE CITY AND THE ASSOCIATION**):

The Association hereby expressly assumes responsibility for the permanent and continuous maintenance of the stormwater facilities and Common Property, including the trees, shrubs, grass, private roadways, driveways, alleys, parking areas, rain gardens, and pervious concrete pavement areas.

- ***Stormwater Facilities*** (**MIGHT BE BEST TO HAVE A WHOLE SECTION ON STORMWATER**):

a. Reserve Funds for the Stormwater Facilities.

_____ % of the initial working capital fund shall be set aside for maintenance and any future repair of the stormwater facilities. The amount shall only be used to address any issues relating to the stormwater facilities.

b. Homeowner Education.

The Association shall create an educational package that includes, but is not limited to, a copy of the Association's CCRs, the Stormwater Operation and Maintenance Manual, as well as relevant landscaping information. Public awareness and continual maintenance of the stormwater facilities is necessary to keep the facilities functioning and to protect the area's natural resources. Stormwater facilities shall in no way be reduced in sized, removed, and/or otherwise structurally altered unless otherwise approved in writing by the Association and the City of Stayton. The Association shall provide a copy of this educational package to all subsequent purchasers.

c. Stormwater Runoff.

The individual lot owner shall not divert roof or structure runoff to drain onto impervious surfaces and away from the stormwater facilities. The individual lot owner shall comply with the City of Stayton and Oregon DEQ requirements for stormwater management including proper erosion and sediment control.

d. Construction and Renovations.

During the construction or renovation of a dwelling, the individual lot owner or the individual lot owner's builder shall control erosion and sedimentation during and after construction, stabilize cleared areas, limit stockpiles, protect stormwater facilities during construction, and remove temporary control systems after construction. The individual lot owner's builder shall comply with the City of Stayton and Oregon DEQ requirements for erosion and sediment control.

e. Stormwater Facility Management Areas.

All stormwater facility systems managed by the Association shall follow all regulations or recommendations stipulated by the City of Stayton, and all applicable State and Federal agencies.

f. Landscape and Irrigation General Maintenance:

In no case shall earthen material, grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into the stormwater facilities.

g. Stormwater Facility Maintenance Duties of the Association and Individual Lot Owner:

Following their initial installation, it shall be the responsibility of the Association and each individual lot owner to inspect, repair, or maintain the stormwater facilities in accordance with the Stormwater Operation and Maintenance Manual (Exhibit D), Article _____ (or the maintenance agreement), and the City of Stayton Standards. Following their initial installation, the Association shall perform semi-yearly inspection visits to each stormwater facility to insure that the facility is properly maintained. The Association reserves the right to access and inspect the stormwater facilities. If any individual lot owner is not maintaining his/her stormwater facility per Exhibit D, as determined by the Association, the Association shall give a notice to the individual lot owner setting forth the complaint in detail. If the stormwater facility is not maintained to the satisfaction of the Association within a period of 30-days, the Association shall go upon the property through its agents or through independent contractors to perform such services and utilize such materials as necessary to bring the stormwater facility into conformance with Exhibit D. The individual lot owner shall be liable for the actual expenses so incurred by the Association. Such amounts shall become a lien on the property and enforceable as other liens stated herein.

h. City of Stayton Right of Entry and Right to Enforce Stormwater Facility Maintenance Requirements:

The City of Stayton shall have the right to enter any portion of the Property, including the individual lot owner's private property, for the purposes of determining whether any maintenance is necessary, to ascertain the Association and each individual lot owner's compliance with the Stormwater Operation and Maintenance Manual (Exhibit D), and/or to perform maintenance or repair of the stormwater facilities, so long as the entry is made at reasonable times and the individual lot owner is given seven (7) days notice. In case of emergency, the City of Stayton shall have the right of entry for performing any maintenance or repair so long as a reasonable notice is given. If the Association or any individual lot owner is not maintaining the stormwater facilities per Exhibit D, as determined by the City of Stayton, the Stayton shall give a notice to the Association setting forth the complaint in detail. If the stormwater facility is not maintained to the satisfaction of the City of Stayton within a period of 30-days, the City of Stayton shall go upon the property through its agents or through independent contractors to perform such services and utilize such materials as necessary to bring the stormwater facility into conformance with Exhibit D. The Association shall be liable for twice (2 times) the City of Stayton's costs to cover the expenses so incurred by the City of Stayton and to serve as a penalty for not performing the maintenance responsibilities. Such amounts shall become a lien on all the properties and enforceable as other liens stated herein.